

Issuance Date: October 19, 2004

Effective Date: November 1, 2004

Expiration Date: October 31, 2009

**STATE WASTE DISCHARGE PERMIT  
NUMBER ST-8095**

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
Eastern Regional Office

In compliance with the provisions of the  
State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington, as amended,  
and  
the Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1251 et seq.,  
authorizes  
to discharge wastewater in accordance with the special and general conditions which follow.

Country Morning Farms

P.O. Box L

Othello, WA 99344

Facility Address: 225 N. County Road,  
Warden, WA 98857

Discharge Location

Latitude: 46° 58' 25" N

Longitude: 119° 02' 48" W

Publicly Owned Treatment Works (POTW) Receiving Discharge: City of Warden's industrial  
wastewater treatment facility

Industry Type: milk/juice processing

SIC Code: 2026 and 2086

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Eastern Regional Office

## TABLE OF CONTENTS

SUMMARY OF PERMIT REPORT SUBMITTALS.....	4
<b>SPECIAL CONDITIONS</b>	
S1. DISCHARGE LIMITATIONS .....	5
S2. MONITORING REQUIREMENTS .....	5
A. Wastewater Monitoring	
B. Sampling and Analytical Procedures	
C. Flow Measurement	
D. Laboratory Accreditation	
S3. REPORTING AND RECORDKEEPING REQUIREMENTS .....	6
A. Reporting	
B. Records Retention	
C. Recording of Results	
D. Additional Monitoring by the Permittee	
E. Noncompliance Notification	
F. Dangerous Waste Discharge Notification	
G. Spill Notification	
H. Maintaining a Copy of This Permit	
S4. OPERATION AND MAINTENANCE.....	8
A. Operations and Maintenance Manual	
B. Bypass Procedures	
C. Best Management Practices\Pollution Prevention Program	
S5. PROHIBITED DISCHARGES.....	11
A. General Prohibitions	
B. Specific Prohibitions	
C. Prohibited Unless Approved	
S6. DILUTION PROHIBITED.....	12
S7. SOLID WASTE DISPOSAL.....	12
A. Solid Waste Handling	
B. Leachate	
S8. SPILL PLAN .....	13
S9. SLUG DISCHARGE CONTROL PLAN.....	13

## GENERAL CONDITIONS

G1.	SIGNATORY REQUIREMENTS.....	15
G2.	RIGHT OF ENTRY .....	15
G3.	PERMIT ACTIONS.....	16
G4.	REPORTING A CAUSE FOR MODIFICATION .....	16
G5.	PLAN REVIEW REQUIRED .....	16
G6.	COMPLIANCE WITH OTHER LAWS AND STATUTES.....	16
G7.	DUTY TO REAPPLY .....	16
G8.	PERMIT TRANSFER .....	17
G9.	REDUCED PRODUCTION FOR COMPLIANCE .....	17
G10.	REMOVED SUBSTANCES .....	17
G11.	PAYMENT OF FEES.....	17
G12.	PENALTIES FOR VIOLATING PERMIT CONDITIONS .....	17

**SUMMARY OF PERMIT REPORT SUBMITTALS**

Refer to the Special and General Conditions of this permit for additional submittal requirements.

<b>Permit Section</b>	<b>Submittal</b>	<b>Frequency</b>	<b>First Submittal Date</b>
S3.A.	Discharge Monitoring Report	Monthly	December 15, 2004
S4.A.	Operation and Maintenance Manual	1/permit cycle	November 1, 2005
S8	Spill Plan	1/permit cycle	November 1, 2005
S9	Slug Discharge Control Plan	1/permit cycle	November 1, 2005
G7.	Application for permit renewal	1/permit cycle	May 1, 2009

## SPECIAL CONDITIONS

### S1. DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date and lasting through the expiration date of this permit, the Permittee is authorized to discharge wastewater to the City of Warden's industrial wastewater system subject to the following limitations:

	EFFLUENT LIMITATIONS	
Parameter	Average Monthly <sup>a</sup>	Maximum Daily <sup>b</sup>
Flow	10,000 gpd	17,000 gpd
<sup>a</sup> The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
<sup>b</sup> The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge measured during a calendar day. The daily discharge is the average measurements over the day.		

### S2. MONITORING REQUIREMENTS

#### A. Wastewater Monitoring

The Permittee shall monitor the wastewater at the discharge from the above ground holding tank according to the following schedule:

Parameter	Units	Sampling Frequency	Sample Type
Flow (max and average)	gpd	Daily	Calibrated sight tube
BOD <sub>5</sub> (max and average)	mg/L; lbs/day	2/ month	8 hr manual composite <sup>a</sup>
TKN (max and average)	mg/L; lbs/day	2/ month	8 hr manual composite <sup>a</sup>
Total Suspended Solids (max and average)	mg/L; lbs/day	2/ month	8 hr manual composite <sup>a</sup>
Fats, Oils & Grease (max and average)	mg/L; lbs/day	2/ month	8 hr manual composite <sup>a</sup>
Fixed dissolved solids (max and average)	mg/L; lbs/day	2/ month	8 hr manual composite <sup>a</sup>
Temperature (daily max)	° F	4/ day <sup>b</sup>	Grab
pH (daily max and min)	s.u.	4/ day <sup>b</sup>	Grab

Parameter	Units	Sampling Frequency	Sample Type
<sup>a</sup> The 8hr manual composite shall be comprised of at least 4 samples of equal volume; collected at least 2hrs apart over the 12hr work day. <sup>b</sup> 4/day shall mean two measurements each taken in the morning and afternoon, at least 2hrs apart.			

**B. Sampling and Analytical Procedures**

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

**C. Flow Measurement**

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

**D. Laboratory Accreditation**

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, pH, and internal process control parameters are exempt from this requirement. pH shall be accredited if the laboratory must otherwise be registered or accredited.

**S3. REPORTING AND RECORDKEEPING REQUIREMENTS**

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during the previous month shall be summarized and reported on a form provided, or otherwise approved, by the Department, and be received no later than the 15<sup>th</sup> day of the month following the completed reporting period, unless otherwise specified in this permit. The report shall be sent to:

Water Quality Permit Coordinator  
Department of Ecology  
4601 N. Monroe St.  
Spokane, WA 99205-1295

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge or the facility was not operating during a given monitoring period, submit the form as required with the words "No Discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;
2. Repeat sampling and analysis of any violation and submit the results to the Department within 30 days after becoming aware of the violation;
3. Immediately notify the Department and the City of Warden of the failure to comply; and
4. Submit a detailed written report to the Department within thirty days (5 days for upsets and bypasses), unless requested earlier by the Department. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Dangerous Waste Discharge Notification

The Permittee shall notify the City and the Department in writing of the intent to discharge into the City any substance designated as a dangerous waste in accordance with the provisions of WAC 173-303-070. This notification shall be made at least 90 days prior to the date that discharge is proposed to be initiated.

G. Spill Notification

The Permittee shall notify the City immediately (as soon as discovered) of all discharges that could cause problems to the City's industrial system, such as process spills and unauthorized discharges (including slug discharges).

H. Maintaining a Copy of This Permit

A copy of this permit shall be kept at the facility and be made available upon request to Ecology inspectors.

**S4. OPERATION AND MAINTENANCE**

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

A. Operations and Maintenance Manual

An Operations and Maintenance (O&M) Manual shall be prepared by the Permittee in accordance with WAC 173-240-150 and be submitted to the Department for approval no later than November 1, 2005.

The O&M Manual shall be reviewed by the Permittee at least annually and the Permittee shall confirm this review by letter to the Department. Substantial changes or updates to the O&M Manual shall be submitted to the Department whenever they are incorporated into the manual.

The approved Operations and Maintenance Manual shall be kept available at the permitted facility and all operators shall follow the instructions and procedures of this manual.

In addition to the requirements of WAC 173-240-150(1) and (2), the O&M Manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure.
2. Wastewater system maintenance procedures that contribute to the generation of process wastewater
3. Any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the operation of the wastewater system (e.g. defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine.)
3. Notification procedures for notifying the City in case of a bypass, spill, or slug discharge.
4. Plant maintenance and process control procedures, monitoring and self monitoring schedule, and record keeping.
5. Procedures for wastewater sample collection, sample transport, and monthly data reporting requirements.
6. In the event of an upset, due to plant maintenance activities, severe stormwater events, start ups or shut downs, or other causes, the plan shall describe the operating procedures and conditions employed to mitigate the upset.
7. A description of any regularly scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to the wastewater treatment system and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).

The approved Operations and Maintenance Manual shall be kept available at the permitted facility and all operators are responsible for being familiar with, and using, this manual.

B. Bypass Procedures

The Permittee shall immediately notify the Department and the City of any spill, overflow, or bypass from any portion of the collection or treatment system.

The bypass of wastes from any portion of the treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

1. Unavoidable Bypass—Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

If the resulting bypass from any portion of the treatment system results in noncompliance with this permit the Permittee shall notify the Department and the City in accordance with condition S3.E “Noncompliance Notification.”

2. Anticipated Bypass That Has the Potential to Violate Permit Limits or Conditions—Bypass is authorized by an administrative order issued by the Department. The Permittee shall notify the Department and the City at least 30 days before the planned date of bypass. The notice shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Department will consider the following prior to issuing an administrative order:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of the permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

3. Bypass For Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions -- Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of the permit, a violation of a pretreatment standard or requirement, or adversely impact public health as determined by the Department prior to the bypass.

C. Best Management Practices\Pollution Prevention Program

The Permittee shall use whenever practical recognized Best Management Practices and/or implement pollution prevention to reduce the effluent volume and nutrient load from the processing facility to the City's industrial wastewater system.

## **S5. PROHIBITED DISCHARGES**

A. General Prohibitions

The Permittee shall not introduce into the City's wastewater system pollutant(s) which cause Pass Through or Interference.

B. Specific Prohibitions

In addition, the following shall not be introduced into the City's system:

1. Pollutants which create a fire or explosion hazard in the treatment system, including, but not limited to, waste streams with a closed cup flashpoint of less than 60°C (140°F) using the test methods specified in 40 CFR 261.21.
2. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the treatment system resulting in interference;
3. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the treatment facility;
4. Heat in amounts which will inhibit biological activity in the treatment facility resulting in interference, but in no case heat in such quantities that the temperature at the City's treatment plant exceeds 40°C (104°F) unless the approval authority, upon request of the City, approves alternative temperature limits;
5. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
6. Pollutants which result in the presence of toxic gases, vapors, or fumes within the treatment system in a quantity that may cause acute worker health and safety problems;

7. Any trucked or hauled pollutants, except at discharge points designated by the City.
8. Pollutants which will cause corrosive structural damage to the treatment system, but in no case discharges with pH lower than 5.0 or greater than 11.0, unless the works is specifically designed to accommodate such discharges.

C. Prohibited Unless Approved

1. Any of the following discharges are prohibited unless approved by the Department under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or a need to augment sewage flows due to septic conditions):
  - a. Noncontact cooling water in significant volumes.
  - b. Storm water and other direct inflow sources.
  - c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the system.
2. Unless specifically authorized in this permit, the discharge of dangerous wastes as defined in Chapter 173-303 WAC, is prohibited.

**S6. DILUTION PROHIBITED**

The Permittee shall not dilute the wastewater discharge with stormwater or increase the use of potable water, process water, noncontact cooling water, or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

**S7. SOLID WASTE DISPOSAL**

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground water, surface water, or the City's wastewater system.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

**S8. SPILL PLAN**

No later than November 1, 2005, the Permittee shall submit to the Department a spill control plan for the prevention, containment, and control of spills or unplanned releases. The Permittee shall review the plan at least annually and update the Spill Plan as needed. Changes to the plan shall be sent to the Department. The plan and any supplements shall be followed throughout the term of the permit.

The spill control plan shall include the following:

1. A description of the actions which facility personnel must take in the event of a spill of CIP chemicals or any other chemical that could cause harm to the wastewater collection and treatment system.
2. A current list of names and phone numbers (office and home) of all persons to be contacted in case of a spill and who is qualified to act as an emergency coordinator. Where more than person is listed, one must be named as the primary coordinator, and others listed in the order in which they will assume responsibility as alternates.
3. A list of all emergency equipment at the facility (e.g., fire extinguishers, spill control equipment; alarm systems) where this equipment is required. The list must be kept up to date. The location and physical description of each item must be given along with a brief outline of its capabilities.
4. A description of the spill prevention measures that will prevent, contain, or inhibit the flow of a spill into the wastewater system (containment structures; protective barriers; storage tank construction).

**S9. SLUG DISCHARGE CONTROL PLAN**

No later than November 1, 2005, the Permittee shall prepare and submit to the Department a plan to minimize the potential of slug discharges from the facility covered by this permit. The plan and any subsequent revisions shall become effective 30 days following submission. Such plan shall include the following information and procedures relating to the prevention of unauthorized slug discharges:

1. A description of a reporting system to be used to immediately notify facility management, the City of Warden, and appropriate state, federal, and local authorities of any slug discharges, and provisions to provide a written follow-up report within five days;
2. A description of discharge practices, including any non-routine discharges: who is responsible for the opening and closing of the 7000 gallon tank discharge valve; what discharge rate is used; what are the maximum and minimum discharge rates; when is the valve opened and closed; who is responsible for recording the daily discharge volume;
3. A description of operator training, equipment, and facilities (including overall facility plan) for preventing, containing, or treating slug discharges;

4. A list of all raw materials, products, chemicals, and hazardous materials used, processed, or stored at the facility; the normal quantity maintained on the premises for each listed material; and a map showing where they are located.
5. A description of discharge practices for batch and continuous processes under normal and non-routine circumstances;
6. An implementation schedule including additional operator training and procurement and installation of equipment or facilities required to properly implement the plan.
7. Procedures to prevent adverse impacts from accidental spills, including the inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations of transport tanks, worker training, building of containment structures or equipment, and measures and equipment for emergency response.

The Permittee shall review its slug discharge plan and update it as needed. All revisions or updates of this plan shall be submitted to the Department. The current approved plan shall be maintained on the plant site and be readily available to facility personnel. The Permittee shall submit an update of the slug discharge control plan.

## **GENERAL CONDITIONS**

### **G1. SIGNATORY REQUIREMENTS**

All applications, reports, or information submitted to the Department shall be signed as follows:

- A. All permit applications shall be signed by either a principal executive officer or ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by the person described above and is submitted to the Department at the time of authorization, and
  - 2. The authorization specifies either a named individual or any individual occupying a named position.
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

### **G2. RIGHT OF ENTRY**

Representatives of the Department shall have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the state. Reasonable times shall include normal business hours; hours during which production, treatment, or discharge occurs; or times when the Department suspects a violation requiring immediate inspection. Representatives of the Department shall be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the permit; to inspect any monitoring equipment or method required in the permit; and to sample the discharge, waste treatment processes, or internal waste streams.

**G3. PERMIT ACTIONS**

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the state; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

**G4. REPORTING A CAUSE FOR MODIFICATION**

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least 60 days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

**G5. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least 180 days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

**G6. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

**G7. DUTY TO REAPPLY**

The Permittee must apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

**G8. PERMIT TRANSFER**

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;
- B. A copy of the permit is provided to the new owner and the receiving POTW is notified and;
- C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

**G9. REDUCED PRODUCTION FOR COMPLIANCE**

The Permittee shall control production or discharge to the extent necessary to maintain compliance with the terms and conditions of this permit upon reduction of efficiency, loss, or failure of its treatment facility until the treatment capacity is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power for the treatment facility is reduced, lost, or fails.

**G10. REMOVED SUBSTANCES**

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the effluent stream for discharge.

**G11. PAYMENT OF FEES**

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

**G12. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.